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In re Application of	:	
MARCO THYES	:	
Application No.: 09/889,383	:	DECISION ON
PCT No.: PCT/EP00/00306	:	
Int. Filing Date: 15 January 2000	:	RENEWED PETITION
Priority Date: 22 January 1999	:	
Attorney Docket No.: 0480/01211	:	UNDER 37 CFR 1.181
For: METHOD FOR REDUCING 3-DIMETHYLAMINO-	:	
2-PHENYLPROPION-ACID ETHYL ESTER-CONTENT	:	
IN SOLUTIONS OF 2-DIMETHYLAMINO-1-PHENY-3-	:	
CYCLOHEXENE-1-CARBOXYLIC ACID ETHYL	:	
ESTER	:	

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.181" to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) in the above referenced application on 01 November 2002. No petition fee is required.

**BACKGROUND**

On 04 September 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required. A two month period of time was set to respond to the Notification with extensions of time available under 37 CFR 1.136(a).

On 08 July 2002, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements within the time period set forth in the notice.

Applicant submitted a petition under 37 CFR 1.181 on 12 July 2002, requesting withdrawal of the holding of abandonment. On 17 October 2002, a decision was mailed to applicant indicating that the evidence submitted was insufficient to establish that the declaration for this application was received in the USPTO on 05 February 2002 and the petition was

dismissed without prejudice.

On 01 November 2002, applicant filed a renewed petition under 37 CFR 1.181 along with a copy of an itemized receipt with USPTO date-stamp "OIPE FEB 05 2002", the declaration and assignment.

### DISCUSSION

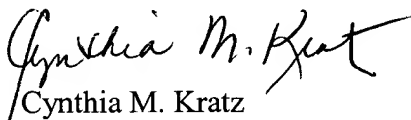
To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel provided an itemized receipt, bearing an official USPTO date-stamp "OIPE FEB 05 2002". The itemized receipt indicates the submission of a declaration, assignment and one month extension of time fee including a check for \$280 for 09/889,383 and identifies the applicant as Thyres et al. The date stamp on the itemized receipt conforms with a USPTO date-stamp.

The evidence submitted is sufficient to establish that the declaration for this application was received in the USPTO on 05 February 2002. Accordingly, it is appropriate to accept the copy of the declaration submitted on 01 November 2002 as a replacement for the missing original declaration and assignment with a deposit date of 05 February 2002.

### CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c) and 102(e) date is **05 February 2002**.



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